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PATENT

Docket No. 204372000901

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Assistant Commissioner for Patents, Washington, D.C. 20231, on September 17, 2001.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lynn E. SPITLER et al.

Serial No.: 09/764,546

Filing Date: January 17, 2001

For: THERAPEUTIC PROPERTIES OF
LIPOSOME-ENCAPSULATED
IMMUNOMODULATORS

Examiner: To Be Assigned

Group Art Unit: 1642

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents Nos. 4, 9, 30, 31, 42, 58 and 92, are included herewith. Copies of all other documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/226,075, filed January 6, 1999, now abandoned, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2).

The Examiner is requested to make these documents of record in the application.

The documents Nos. 4, 9, 30, 31, 42 and 58, listed on the attached Form PTO-1449 were cited in a Search Report (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation

that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 204372000901. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 17, 2001

Respectfully submitted,

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

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FORM**

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/764,546	
	Filing Date	January 17, 2001	
	First Named Inventor	Lynn E. SPITLER et al.	
	Group Art Unit	1642	
	Examiner Name	To Be Assigned	
Total Number Of Pages In This Submission	11	Attorney Docket No.	204372000901

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input checked="" type="checkbox"/> Information Disclosure Statement; PTO form 1449; copy of International Search Report; and six (6) references	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Kate H. Murashige Registration No. 29,959
Signature	<i>Kate H. Murashige</i>
Date	September 17, 2001

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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

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Docket Number 204372000901

Application Number 09/764,546

Applicant:

Lynn E. Spitler *et al.*

Filing Date January 17, 20001

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U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	File Date If Appropriate
	1.	08/30/94	5,342,977	Baschang <i>et al.</i>			
	2.	03/05/96	5,496,804	Reed <i>et al.</i>			
	3.	10/15/96	5,565,478	Kohn <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.	06/23/93	EP 0 548 024 A	Europe			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	5.	Arbibe, L., <i>et al.</i> , "Endotoxin Induces Expression Of Type II Phospholipase A2 In Macrophages During Acute Lung Injury In Guinea Pigs," J. IMMUNOL., (1997) 159:391-400
	6.	Arditi, M., <i>et al.</i> , "Lipopolysaccharide Stimulates the Tyrosine Phosphorylation of Mitogen-Activated Protein Kinases p44, p42, and p41 in Vascular Endothelial Cells in a Soluble CD14-Dependent Manner," J. IMMUNOL., (1995) 155:3994-4003
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	11.	Cao, S. <i>et al.</i> , "Interleukin 15 Offers Selective Protection From Irinotecan-Induced Intestinal Toxicity In A Preclinical Animal Model," CANCER RES., (1998) 58:3270-4

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Group Art Unit 1642

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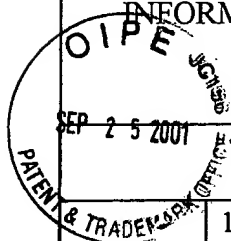
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Form PTO-1449

Docket Number 204372000901

Application Number 09/764,546

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

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Applicant:

Lynn E. Spitler *et al.*

Filing Date January 17, 20001

Group Art Unit 1642

Mailing Date September 17, 2001

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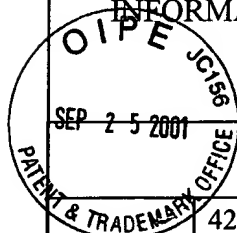
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Applicant:

Lynn E. Spitler *et al.*

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Group Art Unit 1642

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85. Utsugi, T., *et al.*, "In Situ Activation of Mouse Macrophages and Therapy of Spontaneous Renal Cell Cancer Metastasis by Liposomes Containing the Lipopeptide CGP 31362," *CANC. IMMUNOL. IMMUNOTHER.*, (1991) 33:375-381
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